

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES HAYDEN,

Plaintiff,

v.

2K GAMES, INC. and TAKE-TWO
INTERACTIVE SOFTWARE, INC.,

Defendants.

CASE NO. 1:17-cv-02635

JUDGE CHRISTOPHER A. BOYKO

**JOINT MOTION FOR LEAVE TO FILE DEPOSITION TRANSCRIPTS UNDER SEAL
AND TO FILE COUNTER-OBJECTIONS BY MARCH 19**

In response to Your Honor's March 12 Order (Dkt. 276), Plaintiff James Hayden and Defendants 2K Games, Inc. and Take-Two Interactive Software, Inc. (collectively, "Take-Two") together submit this request for leave to (1) file certain of the full transcripts of any videotape and stenographic depositions which each intends to use at trial under seal, and (2) file evidentiary objections and counter-objections including references to the assigned CM-ECF docket number and pages by Tuesday, March 19, 2024.

Pursuant to the Court's March 12 Order, the Parties will file the full transcripts of any videotape and stenographic depositions which each intends to use at trial. Specifically, Plaintiff will file the deposition transcripts of Alfie Brody, Anton Dawson, Michael Stauffer, Corie Zhang, Winnie Hsieh, Joel Friesch, Jeff Thomas, Jason Argent, and LeBron James. Take-Two will file the two deposition transcripts of James Hayden (2019 and 2023). Although Take-Two has also designated testimony from Mr. James, it will not duplicate Plaintiff's filing.

The Parties request permission to file the transcripts of Alfie Brody, Anton Dawson, Michael Stauffer, Corie Zhang, Winnie Hsieh, Joel Friesch, Jeff Thomas, Jason Argent, LeBron James, and James Hayden's 2023 deposition under seal, as they have been designated confidential under the protective order and contain sensitive materials private to the parties, including material that has not been designated by either party and, thus, would not be part of the trial record.

The parties also seek leave to file their evidentiary objections and counter-objections by March 19 for two reasons. **First**, pursuant to the Court's February 8, 2024 Order, the parties will not file deposition objections and counter-designations until March 14, which will make it challenging for them to identify objections to the counter-designations and file those with the Court by 12:00 pm ET the next day. The parties therefore respectfully request a short extension of time, sufficient to analyze the opposing party's counter-designations, determine their objections to those counter-designations, if any, and prepare the filing for the Court.

Second, the parties also are requesting sufficient time to add the CM-ECF docket numbers to their submission. The parties, however, would like to note for the Court that they do not receive file stamped copies of sealed documents from the Northern District of Ohio, and so for any sealed transcripts, they will not have access to the CM-ECF page numbers on the Court's docketing system. The parties therefore propose including in their March 19 submission to the Court updated charts for deposition including designations, objections, counter-designations and counter-objections that indicate the Docket Entry number, deposition page number, and transcript line numbers. The parties intend to individually file the deposition transcripts without cover or other slipsheet, such that the deposition transcript page numbers will match the PDF page number of the transcripts that are filed with the Court.

The parties welcome any additional guidance on the form of submission the Court may have.

DATED: March 14, 2024

/s/ Dale M. Cendali

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